

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:

PARENT ON BEHALF OF STUDENT,

v.

LUCIA MAR UNIFIED SCHOOL
DISTRICT.

OAH CASE NO. 2010090863

ORDER GRANTING REQUEST FOR
CONTINUANCE AND SETTING
MEDIATION, PREHEARING
CONFERENCE AND DUE PROCESS
HEARING

On October 19, 2010, the parties filed a joint request to continue the dates in this matter on the grounds that the parties are unavailable for mediation, counsel for the Lucia Mar Unified School District is unavailable for the currently scheduled due process hearing and the matter requires more than the currently set one day of hearing. No previous continuances have been granted in this matter.

A due process hearing must be conducted and a decision rendered within 45 days of receipt of the due process notice unless an extension is granted. (34 C.F.R. § 300.515(a); Ed. Code, §§ 56502, subd. (f), 56505, subd. (f)(3).) Speedy resolution of the due process hearing is mandated by law and continuance of the hearing may be granted only upon a showing of good cause. (Ed. Code, § 56505, subd. (f)(3).) In ruling upon a motion for continuance, the Office of Administrative Hearings (OAH) is guided by the provisions found within the Administrative Procedure Act and the California Rules of Court that concern motions to continue. (Cal. Code Regs., tit. 1, § 1020; Cal. Rules of Court, 3.1332.) Generally, continuances of matters are disfavored. (Cal. Rules of Court, 3.1332(c).)

OAH has reviewed the request for good cause and the request is:



Granted. All dates are vacated. This matter will be set as follows:

Mediation:	November 30, 2010, at 9:30 AM ¹
Prehearing Conference:	January 12, 2011, at 10:00 AM
Due Process Hearing:	January 20, 24-27 and 31, 2011, at 9:00 AM, except on January 24 and 31, 2011, when it shall start at 1:00 PM

IT IS SO ORDERED.

Dated: October 20, 2010

/s/

BOB VARMA
Administrative Law Judge
Office of Administrative Hearings

¹ The parties requested mediation date of November 29, 2010, is not available as OAH does not currently conduct mediations on Mondays.